

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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AFSHIN BAHRAMPOUR,
Plaintiff,

v.

UNITED STATES OF AMERICA AND
BARACK OBAMA, et al.,

Defendants.

Case No. 2:15-cv-01194-MMD-VCF

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE
CAM FERENBACH

Before the Court is the Report and Recommendation of United States Magistrate Judge Cam Ferenbach (dkt. no. 3) ("R&R"), submitted on July 8, 2015, relating to Plaintiff's Application to Proceed *In Forma Pauperis*, Complaint and Supplement . (Dkt. no. 1). The R&R (dkt. no. 3) that was mailed to Plaintiff was returned as undeliverable. (Dk. no. 4.) It was remailed to plaintiff at 413 N 13th Ave, LV, NV 89102 on July 23, 2015. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a

1 magistrate judge's report and recommendation where no objections have been filed. See
2 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard
3 of review employed by the district court when reviewing a report and recommendation to
4 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
5 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
6 view that district courts are not required to review "any issue that is not the subject of an
7 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
8 the court may accept the R&R without review. See, e.g., *Johnstone*, 263 F. Supp. 2d at
9 1226 (accepting, without review, a magistrate judge's recommendation to which no
10 objection was filed).

11 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
12 determine whether to adopt Magistrate Judge Cam Ferenbach's R&R. Upon reviewing
13 the R&R and underlying filings, this Court finds good cause to adopt the Magistrate
14 Judge's R&R in full.

15 It is therefore ordered, adjudged and decreed that the R&R of Magistrate Judge
16 Cam Ferenbach (dkt. no.3) be accepted and adopted in its entirety.

17 It is further ordered that plaintiff's complaint is dismissed with prejudice.

18 The Clerk is directed to close this case.

19 DATED THIS 20th day of August 2015.

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22 MIRANDA M. DU
23 UNITED STATES DISTRICT JUDGE
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